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SENATE BILL 175

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING COOPERATIVE AGREEMENTS
FOR EXCHANGE OF MOTOR VEHICLE OFFENSE INFORMATION BETWEEN THE
NAVAJO NATION AND THE STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.6 NMSA 1978 (being Laws 1990,
Chapter 120, Section 7, as amended) is amended to read:

"66-1-4.6. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "farm tractor" means every motor vehicle
designed and used primarily as a farm implement for drawing
plows, mowing machines and other implements of husbandry;

B. "financial responsibility" means the ability to
respond in damages for liability resulting from traffic
accidents arising out of the ownership, maintenance or use of a

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1 motor vehicle of a type subject to registration under the laws
2 of New Mexico, in amounts not less than specified in the
3 Mandatory Financial Responsibility Act or having in effect a
4 motor vehicle insurance policy. "Financial responsibility"
5 includes a motor vehicle insurance policy, a surety bond or
6 evidence of a sufficient cash deposit with the state treasurer;

7 C. "first offender" means a person who for the
8 first time under state or federal law or a municipal ordinance
9 or by the Navajo Nation tribal court has been adjudicated
10 guilty of the charge of driving a motor vehicle while under the
11 influence of intoxicating liquor or any other drug that renders
12 the person incapable of safely driving a motor vehicle,
13 regardless of whether the person's sentence was suspended or
14 deferred;

15 D. "flammable liquid" means any liquid that has a
16 flash point of seventy degrees fahrenheit or less, as
17 determined by a tagliabue or equivalent closed-cup test device;

18 E. "foreign jurisdiction" means any jurisdiction
19 other than a state of the United States or the District of
20 Columbia;

21 F. "foreign vehicle" means every vehicle of a type
22 required to be registered under the provisions of the Motor
23 Vehicle Code brought into this state from another state,
24 territory or country; and

25 G. "freight trailer" means any trailer, semitrailer

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1 or pole trailer drawn by a truck tractor or road tractor, and
2 any trailer, semitrailer or pole trailer drawn by a truck that
3 has a gross vehicle weight of more than twenty-six thousand
4 pounds, but "freight trailer" does not include manufactured
5 homes, trailers of less than one-ton carrying capacity used to
6 transport animals or fertilizer trailers of less than three
7 thousand five hundred pounds empty weight. "

8 Section 2. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
9 Chapter 120, Section 17, as amended) is amended to read:

10 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
11 Code:

12 A. "safety glazing materials" means glazing
13 materials so constructed, treated or combined with other
14 materials as to reduce substantially, in comparison with
15 ordinary sheet glass or plate glass, the likelihood of injury
16 to persons by objects from exterior sources or by these safety
17 glazing materials when they are cracked and broken;

18 B. "safety zone" means the area or space officially
19 set apart within a highway for the exclusive use of pedestrians
20 and which is protected or is so marked or indicated by adequate
21 signs as to be plainly visible at all times while set apart as
22 a safety zone;

23 C. "school bus" means any motor vehicle operating
24 under the authority of the state board of education or private
25 school or parochial school interests that is used to transport

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1 children, students or teachers to and from schools or to and
2 from any school activity, but not including any vehicle:

3 (1) operated by a common carrier, subject to
4 and meeting all requirements of the [~~state corporation~~] public
5 regulation commission but not used exclusively for the
6 transportation of pupils;

7 (2) operated solely by a government-owned
8 transit authority, if the transit authority meets all safety
9 requirements of the [~~state corporation~~] public regulation
10 commission but is not used exclusively for the transportation
11 of pupils; or

12 (3) operated as a per capita feeder as defined
13 in Section 22-16-6 NMSA 1978;

14 D. "seal" means the official seal of the taxation
15 and revenue department as designated by the secretary;

16 E. "secretary" means the secretary of taxation and
17 revenue, and, except for the purposes of Sections 66-2-3
18 [~~66-2-3.1~~] and 66-2-12 NMSA 1978, also includes the deputy
19 secretary and any division director delegated by the secretary;

20 F. "semitrailer" means any vehicle without motive
21 power, other than a pole trailer, designed for carrying persons
22 or property and for being drawn by a motor vehicle and so
23 constructed that some significant part of its weight and that
24 of its load rests upon or is carried by another vehicle;

25 G. "sidewalk" means that portion of street between

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1 the curb lines, or the lateral lines of a roadway, and the
2 adjacent property lines, intended for the use of pedestrians;

3 H. "slow-moving vehicle" means any vehicle that is
4 ordinarily moved, operated or driven at a speed less than
5 twenty-five miles per hour;

6 I. "solid tire" means every tire of rubber or other
7 resilient material that does not depend upon compressed air for
8 the support of the load;

9 J. "special mobile equipment" means every vehicle
10 not designed or used primarily for the transportation of
11 persons or property and incidentally operated or moved over the
12 highways, including but not limited to farm tractors, road
13 construction or maintenance machinery, ditch-digging apparatus,
14 well-boring apparatus and concrete mixers;

15 K. "specially-constructed vehicle" means every
16 vehicle of a type required to be registered under the Motor
17 Vehicle Code not originally constructed under a distinctive
18 name, make, model or type by a generally recognized
19 manufacturer of vehicles and not materially altered from its
20 original construction;

21 L. "state" means any state, territory or possession
22 of the United States, the District of Columbia or any province
23 of the Dominion of Canada;

24 M "state highway" means any public highway that
25 has been designated as a state highway by the legislature, the

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1 state ~~[highway]~~ transportation commission or the secretary of
2 highway and transportation;

3 N. "stop", when required, means complete cessation
4 from movement;

5 O. "stop, stopping or standing", when prohibited,
6 means any stopping or standing of a vehicle, whether occupied
7 or not, except when necessary to avoid conflict with other
8 traffic or in compliance with the directions of a police
9 officer or traffic-control sign or signal;

10 P. "street" or "highway" means every way or place
11 generally open to the use of the public as a matter of right
12 for the purpose of vehicular travel, even though it may be
13 temporarily closed or restricted for the purpose of
14 construction, maintenance, repair or reconstruction;

15 Q. "subsequent offender" means a person who was
16 previously a first offender and who again, under state law,
17 federal law or a municipal ordinance or by the Navajo Nation
18 tribal court, has been adjudicated guilty of the charge of
19 driving a motor vehicle while under the influence of
20 intoxicating liquor or any drug which rendered him incapable of
21 safely driving a motor vehicle, regardless of whether the
22 person's sentence was suspended or deferred; and

23 R. "suspension" means that a person's driver's
24 license and privilege to drive a motor vehicle on the public
25 highways are temporarily withdrawn. "

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1 Section 3. A new section of the Motor Vehicle Code,
2 Section 66-5-27.1 NMSA 1978, is enacted to read:

3 "66-5-27.1. [NEW MATERIAL] RECOGNITION OF CONVICTIONS FOR
4 MOTOR VEHICLE OFFENSES COMMITTED ON THE NAVAJO NATION--
5 COOPERATIVE AGREEMENTS--INFORMATION SHARING WITH THE NAVAJO
6 NATION TRIBAL COURT.

7 A. The department is authorized to enter into a
8 cooperative agreement with the appropriate governmental entity
9 of the Navajo Nation to permit the exchange of information
10 between the Navajo Nation tribal court and the division
11 regarding state residents who are adjudicated for a motor
12 vehicle offense that occurred within the jurisdiction of the
13 Navajo Nation tribal court.

14 B. The division is authorized to suspend or revoke
15 the driver's license or driving privilege of a resident of the
16 state who has been convicted of a motor vehicle offense by the
17 Navajo Nation tribal court; provided that:

18 (1) the department has entered into a
19 cooperative agreement with the governing body of the Navajo
20 Nation that permits the exchange of information on motor
21 vehicle offense convictions between the Navajo Nation tribal
22 court and the division; and

23 (2) the division has received notice from the
24 Navajo Nation tribal court that the driver has been convicted
25 of a motor vehicle offense, which if committed within the

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1 jurisdiction of the state would be grounds for suspension or
2 revocation of the driver's license or driving privilege of the
3 offender. "

4 Section 4. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 2003.

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